

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TIERRA BERRY,

Plaintiff,

v.

BLAKE GILES, et al.,

Defendants.

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Case No. 3:15-cv-01024

Judge Trauger

ORDER

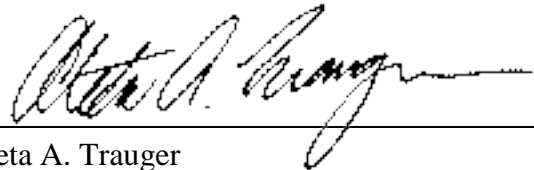
Plaintiff Tierra Berry filed this *pro se* action alleging violations of her constitutional rights and related state law claims arising from her allegedly unconstitutional search and arrest without a warrant or probable cause, and her subsequent prosecution. Presently before the court is the plaintiff's application to proceed *in forma pauperis*. (Docket Entry No. 2.) Because it appears from the plaintiff's submission that she is unable to pay the entire fee in advance, the court **GRANTS** the plaintiff permission to proceed *in forma pauperis*.

Having granted the plaintiff leave to pursue this suit without prepaying the filing fee, the court must conduct an initial review of the complaint under 28 U.S.C. § 1915(e)(2) and dismiss it or any portion of it that is frivolous or malicious, fails to state a claim for which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. For the reasons set forth in the accompanying memorandum, the following claims are hereby **DISMISSED with prejudice:** the plaintiff's claims against defendant Morris; her claims arising from allegedly false testimony by defendants Giles, Murphy and Iezzi; her claims for illegal search, seizure and arrest; and any state law claims against Metro for false arrest, malicious prosecution and intentional infliction of emotional distress.

Except as otherwise noted, the court finds that the plaintiff states colorable claims against defendants Giles, Murphy, Iezzi and the Metropolitan Government of Nashville-Davidson County, and **DIRECTS** the Clerk to **ISSUE PROCESS**.

This action is **REFERRED** to the Magistrate Judge to enter a scheduling order for the management of the case, to dispose or recommend disposition of any pretrial motions under 28 U.S.C. §§ 636(b)(1)(A) and (B), and to conduct further proceedings, if necessary, under Rule 72(b) of the Federal Rules of Civil Procedure and the Local Rules of Court. Despite the issuance of process, the Magistrate Judge may *sua sponte* recommend the dismissal of any claim for the reasons set forth in 28 U.S.C. § 1915(e)(2).

It is so **ORDERED**.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

Aleta A. Trauger
United States District Judge